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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,308	09/02/2003	Yury Mikhailovich Rogovsky	CU-3344 RJS	2775
26530	7590	02/08/2005	EXAMINER	
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1200 CHICAGO, IL 60604			WILSON, JOHN J	
			ART UNIT	PAPER NUMBER
			3732	

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/653,308	ROGOVSKY, YURY MIKHAILOVICH
Examiner	Art Unit	
John J. Wilson	3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 September 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 September 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/2/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The description does not clearly show on what axis the head rotates. The gear 18 and how it works are not clearly disclosed, is the gear an annular gear? How is the light connected to 14? How does pin 20 keep the head connected? What part of the head is removable? How does the discharge gas enter channel 12? How is 12 connected to the body?

Specification

The specification is objected to for not clearly describing the invention, see remarks above, further, the numeral 27 is used twice, for a light and for a bushing, see page 8, paragraph 3. The Abstract is objected to because it is missing.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, 8, 10-15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogovsky (RU 2030904). Rogovsky shows a head 9, turbine 10, instrument mount as shown, gas feed aperture 7, body seat and gas feed channel 5, and intermediate gas channel as shown in Fig. 5 that feeds the gas to the head when the head is in any position. As to claim 2, the shown channel 7 is held to be a nozzle. As to claims 3 and 4, see exhaust channel 8. As to claim 5, see means for securing the head 17. This securing means is held to inherently meet the limitation of “fast” because the terminology is relative. As to claim 8, the channels are shown to be located at an end of the head. As to claim 10, see mechanical drive 3. As to claim 11, see elements 2 and 13. As to claim 12, comparing the shown size of gear 3 with the diameter of sleeve 2, it is held that a reduction gear is shown.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Glover et al (4281989). Glover shows a dental hand piece 10, head 16, turbine 92, has feeding aperture at 103, body 12, 14, having a head mounting seat 52, 54, gas feeding channel 20, 80, 82, and intermediate gas feeding channel 84a that remains connected to the gas feeding channel when the head is turned. As to claim 2, see nozzle 102. As to claim 3, see outlet aperture 86 in the head that is connected at any position to a discharge channel 22. As to claim 4, see intermediate gas discharge channel 88. As to claim 5, see means 30, 32 for securing the head. Such means is inherently “fast” because the terminology is relative. As to claim 6, the outer surface of 16, 26

inherently form a body of rotation. As to claim 7, see chuck 94. As to claim 8, to call the portion of the head that is shown as having the channels, an end, is merely terminology.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogovsky (RU 2030904) in view of Rogovsky (RU 96101748). Rogovsky (904) shows the structure as described above, however, does not show the shape of a head and body forming a body of rotation. Rogovsky (748) shows a shape that is held to be a body of rotation. It would be obvious to one of ordinary skill in the art to modify Rogovsky (904) to include the shape of the head and body as shown by Rogovsky (748) in order to make use of known shapes to better fit within the mouth. As to claims 9 and 16, Rogovsky (904) does not show a fixation device for the head. Rogovsky (748) shows fixation device 18, 19. It would be obvious to one of ordinary skill in the art to modify Rogovsky (904) to include a fixation device as shown by Rogovsky (748) in order to hold the head in its desired location during use.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogovsky (RU 2030904) in view of Berg (5052924). Rogovsky shows the structure as described above, however, does not show a gas discharge for cleaning the light outlet. Berg teaches that it is

known to clean a lens using a discharge and that dental drills have air spray that can be used to accomplish lens cleaning, column 2, lines 29-35. It would be obvious to one of ordinary skill in the art to modify Rogovsky to include using a gas discharge to clean the light outlet as suggested by Berg in order to keep the light free from obstruction.

Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogovsky (RU 95115680) in view of Rosenstatter (5476380). Rogovsky shows a dental hand piece having a head 4, turbine 14, gas feeding aperture as shown, body 1, gas feeding channel as shown and drive 11. Rogovsky does not show a micromotor, however, teaches that the drive may be manual or a drive. In view of this teaching, to use a motor as a drive would be an obvious matter of choice to one of ordinary skill in the art in a suggested alternative for driving a gear. Rogovsky does not show a gas feeding channel connected to the motor as claimed. Rosenstatter shows a feed channel 6', 9 that is connected to both the motor 5 and the turbine 8 in the head. It would be obvious to one of ordinary skill in the art to modify Rogovsky to include a feed channel as shown by Rosenstatter in order to operate the motor when needed. As to claim 21, Rogovsky shows a gear connection. As to claim 22, Rosenstatter teaches connecting the feed to the motor 5 or turbine 8, column 3, lines 15-25. As to claim 23, Rosenstatter shows a drive that can be turned in either direction and suggests using a motor, therefore, it would be obvious to the skilled artisan to use a reversible motor to drive the head in either direction. As to claim 24, to use an electric motor is an obvious matter of choice in well known motors to one of ordinary skill in the art. As to claim 25, see connection shown I Fig. 8 of Rosenstatter. The connection is held to be rapidly detachable because "rapidly" is a relative term.

Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glover et al (4281989). Glover does not specifically state the device the mechanism used for discrete fixation of the head at a chosen position, however, does teach the device is capable of incremental adjustment. To use means to hold the head in the incremental adjusted positions would have been obvious to one of ordinary skill in the art in order to make the hand piece usable for drilling in the mouth.

Drawings

The drawings filed September 2, 2003 are objected to because in Fig. 2, numeral 25 has no lead line and in Fig. 4, there appears to be a lead line with no numeral or other indicator as to what it is showing. Also, see double use of numeral 27 as described above.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

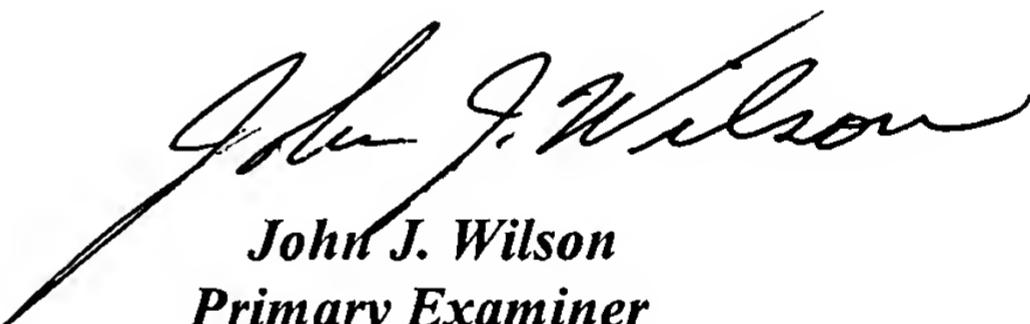
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Wilson whose telephone number is (571) 272-4722. The examiner can normally be reached on Monday through Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached at (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John J. Wilson
John J. Wilson
Primary Examiner
Art Unit 3732

jjw

February 6, 2005